

ASSEMBLY BILL

No. 1190

Introduced by Assembly Member Fletcher

February 27, 2009

An act to amend Section 401 of the Military and Veterans Code, relating to military service.

LEGISLATIVE COUNSEL'S DIGEST

AB 1190, as introduced, Fletcher. Military service: benefits.

Existing law authorizes extensions of time for certain liabilities of members of the National Guard who are ordered into active state service and reservists who are called to active duty, as specified.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 401 of the Military and Veterans Code
- 2 is amended to read:
- 3 401. (a) Application by a service member for, or receipt by a
- 4 service member of, a stay, postponement, or suspension pursuant
- 5 to this chapter in the payment of any tax, fine, penalty, insurance
- 6 premium, or other civil obligation or liability of that ~~person~~ *service*
- 7 *member* shall not itself, without regard to other considerations,
- 8 provide the basis for any of the following:

1 (1) A determination by any lender or other person that the
2 service member is unable to pay any civil obligation or liability
3 in accordance with its terms.

4 (2) With respect to a credit transaction between a creditor and
5 the service member, any of the following:

6 (A) A denial or revocation of credit by the creditor.

7 (B) A change by the creditor in the terms of an existing credit
8 arrangement.

9 (C) A refusal by the creditor to grant credit to the service
10 member in substantially the amount or on substantially the terms
11 requested.

12 (3) An adverse report relating to the creditworthiness of the
13 service member by or to any person or entity engaged in the
14 practice of assembling or evaluating consumer credit information.

15 (4) A refusal by an insurer to insure the service member.

16 (b) Any person violating any provision of this section is liable
17 for actual damages and reasonable attorney's fees incurred by the
18 injured party.

19 (c) Any person violating any provision of this section is guilty
20 of a misdemeanor, and shall be punishable by imprisonment not
21 to exceed one year or by a fine not to exceed one thousand dollars
22 (\$1,000), or both.